

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MATTHEW D. ENDERS,
Plaintiff

*

*

v.

CIVIL ACTION NO. CCB-06-3464

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THE MARYLAND WORKERS
COMPENSATION COMMISSION

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MEMORANDUM

The court is in receipt of plaintiff's complaint filed against the Maryland Workers Compensation Commission. Paper No. 1. Plaintiff questions the ruling of the Commission denying him benefits and states that the commission "negligently" handled his case. *Id.* Plaintiff seeks leave to proceed in forma pauperis, (Paper No. 2) which shall be granted. For the reasons that follow, the complaint shall be dismissed.

Under the Eleventh Amendment to the United States Constitution, a state, its agencies and departments are immune from suits in federal court brought by its citizens or the citizens of another state, unless it consents. *See Penhurst State School and Hospital v. Halderman*, 465 U. S. 89, 100 (1984). While the State of Maryland has waived its sovereign immunity for certain types of cases brought in state courts, *see* Md. State Gov't Code Ann., § 12-202(a), it has not waived its immunity under the Eleventh Amendment to suit in federal court. Thus, plaintiff's complaint against the Workers Compensation Commission, a state agency, is barred by the Eleventh Amendment.

A separate Order shall be entered in accordance with this Memorandum.

January 16, 2007
Date

_____/s/_____
Catherine C. Blake
United States District Judge